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In re Application of
YIP et al.
Application No.: 09/403,608
PCT No.: PCT/AU98/00868
Int. Filing Date: 18 October 1998
Priority Date: 21 October 1997
Attorney Docket No.: 025265-155
For: COATED SUNGLASS LENS

DECISION ON REQUEST
UNDER 37 CFR 1.497(d)

This is a decision on "Third Renewed Petition Under 37 CFR 1.497(d)" filed 05 June 2002 requesting the addition of fifth joint inventor, Randy Lee Gove. Applicants' previous petition was dismissed in a decision dated 02 April 2002 because the assignment provided did not list the name or title of the individual signing on behalf of Sola International Holding Ltd.

On 05 June 2002, applicant filed the present petition applicants have submitted a written consent of assignee to the correction in inventorship in compliance with 37 CFR 3.73(b)..

DISCUSSION

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Items (1) through (4) have been satisfied.

A review of the application reveals that the declaration of inventors, filed on 14 February 2000, is defective. Specifically, the declaration does not identify the country of citizenship of each inventor pursuant to 37 CFR 1.497(a)(3). Therefore, applicant has not

met the requirements for entry into the national stage under 35 U.S.C. 371. Accordingly, a new oath or declaration executed by Brandon Yip, Colin James Hall, Frank Samson, Brian Douglas Adams, and Randy Lee Gove must be filed in order to fulfill the declaration requirement under 35 U.S.C. 371.

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED**.

Applicant is required to provide an oath/declaration in compliance with 37 CFR 1.497(a)-(b) within **TWO (2) MONTH** from the mail date of this Decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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